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SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
3rd meeting
held on
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at 10 a.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. KITTIKHOUN (Lao People's Democratic Republic)

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Hearing of representatives of Non-Self-Governing Territories and petitioners

The meeting was called to order at 10.05 a.m.

ELECTION OF OFFICERS (continued)

1. The CHAIRMAN said that the Committee would proceed to elect a Rapporteur.

2. Mr. BREIER (Venezuela) nominated Mr. Doudech (Tunisia) for the office of Rapporteur.

3. Mr. Doudech (Tunisia) was elected Rapporteur by acclamation.

REQUESTS FOR HEARINGS

4. The CHAIRMAN drew attention to eight communications containing requests for hearings: three relating to Guam (A/C.4/51/3 and Add.1 and 2), one relating to New Caledonia (A/C.4/51/4) and four relating to Western Sahara (A/C.4/51/5 and Add. 1, 2 and 3). He took it that the Committee wished to grant those requests.

5. It was so decided.

6. The CHAIRMAN informed the Committee that he had received another six communications containing requests for hearings on New Caledonia and Western Sahara under agenda item 19. The communications would be circulated as Committee documents.

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/51/23 (Part II, chap. III and IV, Part V, chap. IX, Part VI, chap. X, and Part VII, chap. X) and A/51/428; A/AC.109/2041 and Corr.1, 2043, 2044 and Add.1, 2045, 2046, 2047 and Add.1, 2049 and Corr.1 and 2, 2050-2053, 2054 and Add.1 and 2055-2059; S/1996/43 and Corr.1, 343 and 674)

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AGENDA ITEM 91: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/51/373)

7. Mr. ZAHID (Morocco) said that, since the Committee had decided to begin hearing petitioners under the various agenda items, including the item on the so-called Western Sahara, it was essential to raise the question of documentation. The Secretary-General's report (A/51/428), which had been circulated among delegations on 4 October 1996, dealt with three proposals. In its effort to summarize information on the subject, the Secretariat had probably confused those three proposals. In paragraph 3 of the report, the proposal of 8 September 1995, contained in the Secretary-General's report to the Security Council (S/1995/779) had been confused with the proposal contained in a letter dated 27 October 1995 to the President of the Security Council (S/1995/924). Paragraph 3 also referred to a third proposal, contained in the Secretary-General's report of 24 November 1995 (S/1995/986). In order to avoid confusion, the Secretariat should provide clarifications or issue a corrigendum before the Committee began considering the item, since reference would be made to those proposals in the course of the discussion. His delegation had no objection to the proposal of 8 September 1995; on the contrary, it supported it, which had been reflected in the preamble of a Security Council resolution.

8. The CHAIRMAN said that the Secretariat would provide clarifications at a later time.

9. Mr. KILROY GENIA (Papua New Guinea) said that the task that the Committee had set for itself was embodied in the name of the current International Decade for the Eradication of Colonialism. The successful completion of that task would depend on how effectively the many issues on the agenda would be addressed. The Committee had a special role to play in ensuring that the United Nations fulfilled its commitments to the peoples of the remaining Non-Self-Governing Territories.

10. In spite of widespread misgivings, the opportunities for transparency and accountability that the Committee provided had made decolonization processes more responsive to local circumstances, and their outcomes more flexible. The aspirations of the peoples of the South Pacific for self-determination had been realized in different ways: from commonwealth status and various forms of free association to full sovereignty.

11. In spite of the small size of most of the remaining Non-Self-Governing Territories, the Committee still had an important task to perform. Cutting back on its functions or resources would only impair its ability to promote the attainment of important goals, without achieving any worthwhile, lasting reform. For small island Territories, the Committee was even more important, since those Territories were situated far away from major world centres and trade routes and were also extremely vulnerable to human threats and natural disasters.

12. The United Nations responsibility towards the people of the remaining Non-Self-Governing Territories would not conclude with decolonization. As the Barbados Declaration had recognized, the very survival of small island States demanded that the international community should build new and equitable partnerships with such States. The Special Committee might usefully set aside

time and resources over the next few years in order to identify and promote partnerships of the kind required to sustain and enhance the situation of small island States after the immediate challenge of decolonization had been met. In the South Pacific that would mean giving priority to measures to limit the emission of gases that threatened the survival of atoll States as a result of global warming. It might also mean that the South Pacific Forum would be encouraged to facilitate cooperation directed towards maintaining the security of communities faced with contingencies which they could not manage for themselves. A wider exchange of ideas - between Committee members, island people and experts from various regions - could make a very helpful contribution to the Committee's deliberations.

13. The situation of New Caledonia was a matter of particular concern to Papua New Guinea, the members of the Melanesian spearhead group and the South Pacific Forum. That concern arose from their commitment to decolonization and the rights of the indigenous Kanaks, including the preservation and promotion of their social and cultural values, which had been reflected in the South Pacific Forum vision statement and the "Melanesia beyond 2000" strategy which declared that the four Member States and the Front de libération nationale Kanake socialiste (FLNKS) were determined to support the orderly decolonization of New Caledonia with special safeguards for the indigenous Kanaks. An ongoing mechanism to monitor the situation in New Caledonia had been set up following a decision of the South Pacific Forum in 1991.

14. Following the negotiations of an agreement between the principal political actors - the French Government, FLNKS and the Rassemblement pour la Calédonie dans la République (RPCR) - embodied in the Matignon Accords in 1988, the system of Government had been restructured to give the Kanaks a greater say in local affairs. Efforts had also been made to rebalance the economy to areas where most of the population were Kanaks. None of the changes introduced since 1988 had completely redressed injustices or inequalities in access to paid employment, opportunities for self-advancement or participation in state administrative bodies. There were fears that, at the referendum due to be held in 1998, New Caledonia residents would be allowed only two choices: continued French rule or complete abandonment, including the possible threat of an end to French aid. It would certainly help if the French Government were to state clearly that it intended to act in the same way as other former colonial Powers by maintaining an aid relationship if independence proved to be the preferred outcome of the referendum. Meanwhile, the South Pacific Forum continued to support implementation of the Matignon Accords. Papua New Guinea remained firmly committed to self-determination for New Caledonia with special safeguards for the indigenous Kanaks. The Government of Papua New Guinea supported the recommendations that the regional seminar held in Port Moresby had made to the Special Committee on decolonization, namely that a fact-finding mission should be sent to New Caledonia as soon as possible; that the claims for self-determination for New Caledonia should be supported at relevant forums of the United Nations; that political education should be encouraged to assist participants in New Caledonia's political process, both in self-determination referendums and in determining rights and obligations; and that steps should be taken to ensure fair preparation and conduct of a self-determination referendum.

15. Despite the unsatisfactory rate at which previous offers of aid had been taken up, his Government would continue to provide such assistance for Kanak development as accorded with its Pacific plan, and urged the authorities in New Caledonia to recognize the qualifications that Kanak students and trainees had earned at institutions in Papua New Guinea and other countries in the region.

16. Papua New Guinea was strongly committed to decolonization on the basis of self-determination and was actively engaged in mutually beneficial forms of cooperation with all of the colonial powers whose Territories in the South Pacific appeared on the Special Committee's agenda. Like other countries in the region, Papua New Guinea was actively seeking ways to broaden, deepen and diversify such co-operation, both on a bilateral basis and through multilateral arrangements. With the cessation of nuclear testing in the region and accession to the South Pacific Nuclear-free Zone Treaty (the Treaty of Rarotonga), France had been admitted as a dialogue partner. The most serious issue facing France in the South Pacific concerned the aftermath of the nuclear testing programme. France needed to monitor the effects of the programme on French Polynesia, to make its findings public, and to act promptly to repair any damage and limit any further adverse effects. The right to self-determination of colonial Territories and peoples was another issue that would have to be addressed. His Government wanted to encourage France to continue playing an active and positive role in the region, although Papua New Guinea was not alone in wondering on what basis Pacific islands, separated by thousands of kilometres from metropolitan France, could be regarded as part of that country.

17. His Government supported the decolonization process of Guam which was currently under United States administration. It was important to ensure that the interests of the indigenous Chamorro people were taken into account.

18. The right to self-determination was a right to participate in a certain kind of process, whatever the outcome of that process might be. The Prime Minister of Papua New Guinea had therefore chosen his words quite deliberately when he asked why French Polynesia as well as Wallis and Futuna were not on the United Nations list of Non-Self-Governing Territories.

19. The positive effects of the Special Committee's work could be seen in the varying forms of self-determination in the South Pacific, and in the generally good relations that prevailed between formerly colonized and formerly colonizing nations. They could also be seen in the mutually productive ways in which New Zealand and the people of Tokelau had cooperated with and through the United Nations in preparing for a future based on respect for the principles and practices set out in the Charter. Papua New Guinea therefore welcomed the continuing work of the Special Committee on decolonization, both in principle and as it affected the South Pacific.

20. Mr. RIDER (New Zealand) said that he wished to express his thanks to the United Nations and the Special Committee for the assistance they were providing to New Zealand and Tokelau by creating conditions for the people of the Territory to determine its future. The current year had been a significant one in Tokelau's search for self-determination. On 1 August 1996, the Tokelau Amendment Act, passed by the New Zealand Parliament, had entered into force. The Act conferred on Tokelau the power to make and enact legislation. Tokelau's

progress towards self-government status was on track. Concerned that future neglect could be the price to pay for greater self-reliance, Tokelau was seeking assurances from the international community through the Special Committee and the United Nations that States Members of the United Nations would not remain indifferent to the fate of a small population situated on three atolls in the Pacific Ocean. In particular, Tokelau needed an infrastructure, which was critical to the full development of self-government. It was already clear that any free-association formula must acknowledge that local resources could not adequately cover the material side of self-determination. This was one of the key lessons that New Zealand had drawn from its experience with Tokelau. Decolonization could be successfully achieved only through the participation in that process of the inhabitants of the Territory, the administering Power and the United Nations. In the case of Tokelau, considerable progress had been made as a result of successful interaction not just between Tokelau and New Zealand but between Tokelau, New Zealand and the United Nations.

21. Although the Acting Chairman of the Special Committee had called for "a new and innovative as well as pragmatic approach", many small Territories experienced little discomfort with the status quo. His delegation believed that the United Nations had to be realistic, since it was unlikely that the last vestiges of colonialism would be eradicated by the end of the International Decade for the Eradication of Colonialism. The United Nations could and should re-evaluate its strategy and acknowledge that its own image in some of the small Territories was not as positive as it should be. Sometimes the population of those isolated islands saw the United Nations as an enormous and insensitive bureaucracy driven by agendas that had made sense in the past to large States but in today's world did not address the needs of very small Territories. The time had come for a new approach. His delegation proposed the following basis for interaction among all three parties: (i) the administering Powers should commit themselves to cooperating with the United Nations on the basis of a new, innovative and pragmatic approach; (ii) the United Nations, in cooperation with the administering Powers, should elaborate the concept of the new, innovative and pragmatic approach; (iii) it should be recognized that part of the process of finding suitable solutions involved the Organization's improvement of its image with the peoples of the Territories; (iv) it was necessary to convince some administering Powers that the United Nations was not seeking confrontation or to impose solutions; and (v) the United Nations machinery for discussing each of the Territories should be adjusted in order to reflect real needs. It was essential to ensure full compliance with the reporting requirements contained in the Charter of the United Nations; direct input, through the voice of petitioners, from the peoples of the Territories; the annual multilateral review of all material presented; consideration of the situation in the Territories directly in the Special Committee; and reflection in appropriate decisions of the General Assembly upon the advice of the Special Committee of specific avenues for United Nations input (such as visiting missions, electoral assistance or coordination of any kind).

22. Innovative solutions were unlikely to appear in a vacuum. Nor did defence of the status quo readily produce new thinking. There was a need for more informed debate. Such debate, which would have to be well prepared, should take place among all three interested parties. Comparative experience, including the experience of former Territories that had achieved self-determination, was also

relevant. Any discussion of questions relating to future political status should take place within a larger framework and should reflect each Territory's current situation and concerns. For example, there were contemporary concerns about threats to security that had been much less evident when the major work of decolonization was being undertaken. That situation posed certain difficulties for the Fourth Committee. There was a temptation to be diverted by side issues, such as the Special Committee's decision to hold its seminar in June 1996 in Port Moresby. The challenge was to find productive middle ground. While the Port Moresby seminar had not supplied answers to all questions, it had provided some very useful pointers.

23. The Special Committee's report and some of its resolutions seemed to reflect an equal willingness to shift the focus from theories of decolonization that had been appropriate in the past to contemporary problems faced by most very small Territories. In particular, the resolution on small Territories was a step in the right direction. The operative part of that resolution requested the administering Powers to ascertain the views of the peoples of the Territory in a democratic way and inform the Secretary-General of those views. There were, however, areas for improvement. The language that appeared in the Special Committee's resolutions on foreign economic interests and military activities remained archaic. That perhaps could be explained by a feeling of frustration at the continuance of colonialism and the absence of dialogue with administering Powers other than New Zealand. His delegation supported the work of the Special Committee and thanked it for its assistance and support for the people of Tokelau as it moved towards self-determination.

AGENDA ITEM 19: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/51/23 (Part II, chaps. III and IV, Part V, chap. IX, Part VI, chap. X, and Part VII, chap. X) and A/51/428; A/AC.109/2041 and Corr.1, 2043, 2044 and Add.1, 2045, 2046, 2047 and Add.1, 2049 and Corr.1 and 2, 2050-2053, 2054 and Add.1, 2055-2059; S/1996/43 and Corr.1, 343 and 674)

Question of Gibraltar

24. With the Committee's consent and in accordance with established procedure, the Chairman proposed that the Committee should invite Mr. Caruana (Chief Minister of Gibraltar) to make a statement.

25. It was so decided

26. Mr. CARUANA (Chief Minister of Gibraltar) said that the rights of Gibraltarians derived naturally and undeniably from the fact that they were a cohesive people moulded into a unique and separate identity over 296 uninterrupted years of development following British occupation of Gibraltar in 1704. During all of that period, Gibraltar had been a colony of the United Kingdom and not a part of Spain, which had ceded Gibraltar to the British Crown in perpetuity under article 10 of the Treaty of Utrecht of 1713. Nevertheless, in spite of the friction between Gibraltar and Spain in connection with Spain's claim to sovereignty over Gibraltar, the new Government of Gibraltar was determined to do all that it could to overcome and reverse that destructive tendency.

27. It was important to concentrate on Gibraltar's fundamental position on decolonization and the doctrine of the United Nations. The Kingdom of Spain asserted that it was the doctrine of the United Nations that the decolonization of Gibraltar could only be achieved by the integration of Gibraltar into Spain, a view rejected by Gibraltar and the United Kingdom. The very sine qua non of all decolonization was the freely expressed will of the people. At the present time the exercise by the colonized people of Gibraltar of their right to self-determination was not related to the issue of Spain's territorial integrity. As had been stressed at the Conference on Decolonization held the previous June in Papua New Guinea, there was no alternative in the decolonization process to the principle of self-determination as enunciated by General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, and other General Assembly resolutions. In the Namibia Case, the International Court of Justice had observed that international law in regard to Non-Self-Governing Territories as enshrined in the Charter of the United Nations made the principle of self-determination applicable to all of them.

28. Gibraltar would prefer that its future status should be one that Spain could live with, so that good-neighbourly relations could prevail thereafter. But such a position in no way affected Gibraltar's inalienable right to self-determination. The Government of Gibraltar wished to establish better relations and to engage in cooperation with Spain. Those efforts were bearing fruit at local level, but the initiatives really needed to be complemented by an improvement in the political climate between Gibraltar and Madrid. Unfortunately, the behaviour of the central Government in Madrid had done little to facilitate such cooperation and had hampered Gibraltar's economic development.

29. The Kingdom of Spain had subjected Gibraltar to a campaign of pressure designed to make Gibraltar capitulate to its anachronistic sovereignty claim. Such behaviour was a flagrant breach of resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 2734 (XXV) of 16 December 1970. Notwithstanding Gibraltar's differences of opinion with the Kingdom of Spain, the Government of Gibraltar was seeking a process of meaningful and constructive dialogue with the objective of building confidence and trust between the parties. The obstacle to such dialogue was the fact that Spain had persisted in its refusal to recognize that Gibraltarians required and were entitled to full participation in all dialogue about matters that affected their interests.

30. The Government of Gibraltar was willing to participate in dialogue with the United Kingdom and Spain at any time or place provided that, at those talks, the people of Gibraltar would have a separate voice and could therefore speak for themselves through their own constitutionally and democratically elected Government. Spain had taken the attitude that it would discuss Gibraltar only with the United Kingdom and would invite Gibraltar to participate in those talks as part of the British delegation. That position was not acceptable to the Government and people of Gibraltar. The new Gibraltar Government's commitment to dialogue with Spain on a proper basis could not be disputed. Unfortunately, only two weeks previously, talks scheduled to take place in London between the law-enforcement agencies of the United Kingdom, Spain and Gibraltar on the subject of cooperation in the fight against drug trafficking had failed to

materialize following Spain's refusal to participate in the talks because the United Kingdom, Spain and Gibraltar would have their own separate voices. During the current session the Committee should insist that a resolution on Gibraltar should include a reference to the right of a colonized people, i.e. the people of Gibraltar, to have their own voice at such talks.

31. The Papua New Guinea Conference on Decolonization had recommended that any negotiations to determine the status of a Territory should not take place without the active participation of the people of that Territory. Since Spain claimed that the Brussels Agreement was about the future status of Gibraltar, it followed that the people of that Territory must be entitled to active participation in the talks, in other words they should have a voice of their own. It was wrong to urge a dialogue between the administering Power - the United Kingdom - and the third party claimant - Spain - in which the colonized people - the people of Gibraltar - were denied a separate voice of their own.

Mr. Caruana withdrew.

Hearing of representatives of Non-Self-Governing Territories and petitioners

Question of Guam (A/C.4/51/3 and Add.1 and 2)

32. At the invitation of the Chairman, Mr. Teehan (Guam Landowners Association) took a place at the petitioners' table.

33. Mr. TEEHAN (Guam Landowners Association), speaking on behalf of Don Parkinson, Speaker of the Twenty-Third Guam Legislature, said that he wished to support the language of the current year's resolution on Guam as approved by the Special Committee on decolonization, and appealed to the members of the Fourth Committee to recommend it to the General Assembly. What most concerned the people of Guam was the increasing pressure by certain highly industrialized powers and their allies to close the International Decade for the Eradication Of Colonialism without accomplishing decolonization for the remaining Non-Self-Governing Territories. With regard to the status of the Non-Self-Governing Territory of Guam, there was no legitimate argument that could be made to justify its removal from the list of Non-Self-Governing Territories, since the indigenous Chamorro people of Guam had yet to determine their political status by way of a full exercise of self-determination.

34. The people of Guam were at a critical juncture in their endeavour to negotiate an improved federal-territorial relationship with their administering Power. The interim political relationship with the United States had been reflected in the Guam Commonwealth Act, the adoption of which was not an exercise in self-determination. Following the ultimate implementation of the Guam Commonwealth Act, Guam would still be a Non-Self-Governing Territory. The Chamorro people's right to self-determination had been provided for in article I, Section 102, of Guam's version of the draft Commonwealth Act which had been approved by the voters of Guam, including non-Chamorros.

35. The decolonization process was severely hampered when administering Powers resisted United Nations efforts to monitor the political, social and economic

development of peoples of Non-Self-Governing Territories directly, by means of visiting missions. The first and last visiting mission to Guam had taken place in 1979. It had stimulated the desire of the people of Guam and the United States to greatly expand efforts to resolve numerous issues related to political status.

36. The decolonization efforts of the United Nations were absolutely essential for the successful accomplishment of Guam's quest for self-determination. The removal of Guam from the list of Non-Self-Governing Territories or the elimination of the Special Committee on decolonization itself would be a devastating setback for the people of Guam. In that regard, the people of Guam were upset by the current efforts of certain nations to dismantle the Special Committee on decolonization prior to the completion of its mandate. In support of their untenable position, those powers had given the incorrect impression that the remaining non-self-governing peoples would be unable to survive without colonial administration or that the peoples of the Non-Self-Governing Territories were actually satisfied with their current status.

37. There were other reasons for the attack upon the Committee, namely ensuring that there was no mechanism in place at the United Nations to discuss and dismantle economic, cultural and continued de facto political colonialism. The collective goal of the former colonial Powers was to continue controlling the former colonies in order to guarantee a continuous flow of inexpensive raw materials and cheap labour while at the same time ensuring a stable market for goods from the industrially developed countries. The question arose to what extent the newly acquired independence of third world countries had enabled them to realize their potential for political, cultural and economic development. It would be interesting to know how many of them could truly espouse their positions at the United Nations without pressure or political retaliation from the industrialized countries. The Special Committee had to continue to function fully in the exercise of its mandate until such time as all peoples with a right to self-determination had exercised that right and had become free of unwarranted political, economic and cultural interference and control.

38. Two resolutions of the Guam Legislature were attached to Mr. Parkinson's statement; they indicated the need to continue listing the Chamorro people in the United Nations list of Non-Self-Governing Territories pending their exercise of self determination, and the need to support the vital work and continued existence of the Special Committee on decolonization.

39. Mr. Tuchan withdrew.

40. At the invitation of the Chairman, Mr. Howard (Committee on Federal and Foreign Affairs, Twenty-Third Guam Legislature) took a place at the petitioners' table.

41. Mr. HOWARD (Committee on Federal and Foreign Affairs, Twenty-Third Guam Legislature), speaking as staff assistant on behalf of Senator Hope Alvarez Cristobal, Chairperson of the Committee on Federal and Foreign Affairs of the Twenty-Third Guam Legislature, said that the true situation was that the United States had been keeping the Chamorro people ignorant of their rights as a people, a clear violation of its international commitment to keep

indigenous people informed. However, as a result of much work done by representatives of the Chamorro people, the Member States of the United Nations had gained a greater understanding of the question of Guam as reflected in recent General Assembly resolutions. But the sufferings of the Chamorro people had increased, mainly as a result of the administering Power's open-door policy which meant that less that 50 per cent of the population of the Territory were currently indigenous. At the so-called consultation meeting between representatives of the United States Government and representatives of Pacific indigenous peoples held in Honolulu, Hawaii, on 21 August 1996, drafts of the preliminary statement of the United States on the draft United Nations declaration on the rights of indigenous peoples had been examined. It emerged from the text of the statement that the United States Government did not support the rights of its indigenous peoples, although it had feigned such support in numerous documents and on numerous occasions. That attitude had been confirmed by specific passages in the statement. Particularly frustrating was the consistent substitution of the term "indigenous peoples" by the term "indigenous persons". Those terms were not interchangeable. The failure of the United States to distinguish between the rights of a "people" and the rights of "persons" had been the most serious obstacle to advancement in relations between the Chamorro people and the United States Government. The non-acceptance of the basic premise that indigenous peoples existed and had collective rights had made the consultation meeting more of a confrontational one. All indigenous representatives at the meeting had been against the United States position.

42. It was no surprise to anyone that the United States agenda for Guam during the past 50 years had been to maintain colonial control over the Territory and its people. The reason was the military-strategic importance of the island. However, one day the Chamorro people would have their say. They understood that responsibility for their destiny lay principally on their own shoulders. They should continue to make their plight known, but, being a small peace-loving nation with limited resources, they could not begin to compete with current events for the attention of the international community. They must continue to rely on the United Nations.

43. Guam had recently been spotlighted in the news because it had been used to conduct cruise missile strikes against Iraq and was currently being used as an entry point for Kurdish refugees to the United States. Because of that, some had hoped that the inhabitants of Guam would be able to win some concessions in their fight for Commonwealth status. According to local press reports, most of the island's inhabitants had not objected to providing Kurds with a safe haven, but the fact that they had been the last to know about those plans was an example of colonialism.

44. Another problem was the return of militarily-held land. A total of 3,200 acres of federal property had been identified as excess and been promised to the Chamorro people since 1977, but just recently the Department of Defense had opposed the Guam Land Return Act, which was currently being examined in the United States Congress. Such action was another example of colonialism on the part of the United States.

45. The current use of the term "people of Guam" instead of "Chamorro people" in United Nations resolutions and other documents referring to the rights of

Guam's people, without identifying who those people were, had led to a misinterpretation of the situation. The Committee should encourage the administering Power to fund an educational campaign on the topic of self-determination and the available status options. The Committee should also encourage another visiting mission to Guam to obtain first-hand information, urge the United States to accept the Guam Commonwealth Act, return land to the Government of Guam and take notice of Guam Legislative Resolution No. 466 commending the work of the United Nations Special Committee on decolonization.

46. Mr. Howard withdrew.

47. The CHAIRMAN said that the criticisms made earlier by Morocco had been taken into consideration by the Secretariat and forwarded to the responsible department. Until clarifications were received from the Secretariat, it would not be possible to make any corrections to the text of the document.

48. Mr. ZAHID (Morocco) said that his delegation did not wish to impede the orderly course of the meeting, and agreed that the consideration of the items on the agenda should continue, with the understanding that speakers would bear his criticism in mind in their statements. At the same time, he expressed the hope that the reply from the Secretariat would be received by the next meeting of the Committee.

49. At the invitation of the Chairman, Mr. Chopra (Brown University) took a place at the petitioners' table.

50. Mr. CHOPRA (Brown University), referring to his statement to the Committee in October 1992, said that the passage of time had had a negative effect on the parties in Western Sahara and on the credibility of the United Nations. The conduct of the United Nations Mission for the Referendum in Western Sahara (MINURSO) had been a departure from the concept of that type of operation and from the long-term evolution of such instruments as "peacekeeping", "peace enforcement" or "peace maintenance". In 1992, large-scale operations had been established concurrently in Cambodia, Somalia and the former Yugoslavia. While unprecedented agreements had been concluded committing the Organization to tasks more complex than it had ever faced, it did not have adequate resources to tackle them. Time had shown the truth of his statement that the consequences could be disastrous. Western Sahara was the first operation in which all five of the permanent members of the Security Council had been represented. But power without will was impotent, and Member States had been unable to prevent, and in some cases had actively contributed to, disaster.

51. The consequences of failure of the operation in Western Sahara could be greater than in Cambodia or Somalia. Currently, there were opposing views on the implications of the renewed hostilities between the parties. On the one hand, it had been said that a war would be short, since Morocco was stronger militarily. On the other, it was said that the conflict would be protracted because the tactics of the Frente POLISARIO did not need to rely on the same kind of strength. The experience of two decades of conflict tended to confirm the second of the two possibilities. Conditions in neighbouring countries had changed significantly since the ceasefire in Western Sahara in 1991, but it was not clear what impact more war in that unstable region might have.

52. At the current stage, the mission in Western Sahara was virtually bankrupt. MINURSO had been deployed prematurely in the hope that the mere presence of the United Nations in the field might generate momentum in the peace process and lead to agreement between the parties. That approach had been taken because the parties had not been sufficiently willing to conclude a formal agreement before the deployment of an operation. The United Nations had been entirely reliant on the consent of the parties to implement the plan devised. However, Morocco had delayed the deployment of the Mission in 1991 and had regularly violated the ceasefire throughout 1992. A similar situation had arisen in the identification process, which had been scheduled to begin as a means to generate momentum towards agreement on the unresolved issues in that area. But again, that tactic had not worked: the identification process had been halted.

53. Rather than serving as a catalyst for cooperation, MINURSO had divided the parties almost irreconcilably. The parties, it seemed, had lost the capacity to discuss the substance of the issues. Ensuring consent through the peace process would require direct and comprehensive engagement by the parties, the Security Council and United Nations Member States. Many countries and observers believed that direct talks were the best means of reaching an agreement concerning the conditions for holding a referendum, and the Organization of African Unity (OAU) and the General Assembly had passed resolutions to that effect. Despite Morocco's position on the matter, throughout that period direct or indirect talks had been held in Bamako, Lisbon, New York, At-Ta'if and Marrakesh. Although Secretary-General Pérez de Cuéllar had managed to organize a meeting in Geneva in June 1990, he had been unable to convince the parties to meet for direct talks, and thereafter, such outstanding issues as identification had been addressed through indirect contacts. Later, in 1993 and 1994, repeated attempts had been made to organize meetings between representatives of each side, but had proved unsuccessful. At the end of summer 1996, another round of "secret talks" had been held, and on 6 September the Secretary-General had announced that direct negotiations were under way between the parties. Delegations had met in Geneva, and then talks had been held in Morocco between a Frente POLISARIO delegation and the highest authorities in the country, including His Majesty King Hassan II and Minister of the Interior Driss Basri. In January 1996, the Secretary-General had proposed to the Security Council a new concept for the process - "open and direct talks", which the Council had approved. A successful framework for the proposed talks should be based on the following principles: the talks must be open and direct and they should be convened with the participation of representatives of Member States, particularly from the Security Council. Member States would preside at the talks and participate in their capacity as "active observers". The number of members and list of each delegation should be agreed to by both parties in advance; either party or a Member State should be able to suspend a meeting if delegations had not been composed in good faith. Each of the parties and Member States could choose private individuals to be present at the meetings without the right to participate in discussions; Member States could call "individual petitioners" to address the meetings in their personal capacity. An agenda with a limited number of items should be established prior to the meetings, and the parties should give full cooperation in ensuring the orderly conduct of meetings, act in good faith and avoid provocations. They should show moderation in their statements to the media. Finally, following each meeting, Member States would

report the results to the Secretary-General and the President of the Security Council.

54. Mr. Chopra withdrew.

55. Mr. ZAHID (Morocco) said that, since the preceding speaker's statement had been biased, he wished to ask him a few questions. First, there was the question of definitions: of the Sahara as the last African colony and of Morocco as a colonial Power. That was not in keeping with historical fact, since everyone knew which State had been a colonial Power in the region. As a result of the Madrid Agreement, Morocco had managed to recover part of its territory. Secondly, he doubted that Mr. Chopra had read the Secretary-General's report on the situation concerning Western Sahara (S/1995/986) of 24 November 1995, which stated that the basic obstacle to continuing and completing the identification process related to certain tribal groups and to persons not resident in the Territory in whose identification the Frente POLISARIO did not agree to participate and who, in many instances, had no sheikh or alternate to propose, even though the identification process provided for the participation of a sheikh or alternate from each side and the presence of representatives of the two parties and of an Organization of African Unity (OAU) observer. The operation had been hindered by the inability or unwillingness of any one party to make a sheikh or alternate available at a given time and place. As a result, the identification process had been slow and uneven and, in the last few weeks, had virtually come to a halt. Thus, the main reason for the deadlock was lack of cooperation on the part of Frente POLISARIO, and he wished to know why Mr. Chopra had not referred in his statement to the conclusion contained in the Secretary-General's report.

56. Although Mr. Chopra had spoken of the difficult fate of the people of Western Sahara, he had not said that the Kingdom of Morocco had agreed to hold the referendum even though the referendum concerned part of its own territory. An appropriate settlement plan had been prepared by the Secretary-General, accepted by the two parties and approved by the Security Council. Morocco's only requirement was that all Saharans who had been duly confirmed as belonging to that people should take part in the referendum. That requirement had been confirmed in the aforementioned report of the Secretary-General. The reason for the deadlock was precisely the refusal to take part in the identification process.

57. It had also been said that the situation in Western Sahara was similar to the situation in Somalia with regard to the withdrawal of the United Nations. In his view, there were no grounds for such a comparison since, unlike Somalia, the situation in Western Sahara had remained calm, the population was living in peace and only the civilian component of MINURSO, which had been involved in the identification process, was being withdrawn owing to the fact that the Frente POLISARIO had virtually derailed that process and there was no longer any need for the civilian component.

58. Mr. Chopra had also accused Morocco of violating the ceasefire. However, in his most recent report, the Secretary-General had stated that the ceasefire had been violated by the other party. Mr. Chopra had referred to a previous report of the Secretary-General and had completely ignored his latest report.

59. The criteria to be used in the identification process were contained in the Secretary-General's June 1993 report. The Kingdom of Morocco had been the first to agree to those criteria and also to the proposed compromises.

60. While Mr. Chopra had talked a great deal about a dialogue between the parties, he had not specified what the subject of that dialogue might be. In the opinion of his delegation, it was necessary to return to the settlement plan proposed by the Secretary-General, accepted by the parties and approved by the Security Council.

61. Mr. CHOPRA, speaking in exercise of the right of reply, said that the statement by the representative of Morocco contained no information that could induce him to alter the content of his earlier statement.

62. At the invitation of the Chairman, Mr. Dryden took a place at the petitioners' table.

63. Mr. DRYDEN said that the situation in Western Sahara provided a clear example of why the American Government had taken such a dismal view of the quality and pace of reform in the United Nations. The identification process, which should have been completed in six months, had been dragging on for over six years at a continuing cost to the United Nations of millions of dollars a month. The only real change that had occurred during that period had been an increase in the level of frustration at the stultifying situation within MINURSO and on the part of observers and interested parties, with the exception of the Kingdom of Morocco.

64. In the 16 years of warfare leading to the ceasefire in 1991, the Moroccan military had been unable to defeat their Saharan adversaries but had nevertheless gained certain advantages. While the search for a political solution to the stalemate was continuing, Morocco was enjoying possession of the enormous phosphate deposits and the rich fishing grounds off the Atlantic coast. Time was on its side. Any delay worked to Morocco's advantage and to the disadvantage of Saharan refugees and the prestige of the United Nations.

65. For several years, there had been problems in the manner in which the lists of voters had been compiled by the Moroccans: there was increasing evidence that the Moroccans were substituting voters for those that they had allowed to register with the Identification Commission. A fair and impartial process was derailed by the fact that access to and exit from United Nations offices was tightly controlled by the Moroccan side. Only those Saharans that the Moroccans allowed could register and, since there were claims that the voting receipts were then surrendered to the Moroccan authorities, there was no assurance that those who did register would be the ones allowed to vote.

66. It had earlier been decided that Morocco and Frente POLISARIO would compile their own lists of voters and then have the names subjected to the decision of the Identification Commission to certify the eligibility of each voter in individual hearings. That process invited corruption and ensured that the referendum would not be held for years under any circumstances. A further major delay had occurred when Morocco had been allowed to submit for consideration an additional 200 per cent of the population of Spanish Sahara in 1974. In that

case, as many as 250,000 people (according to estimates made by the Identification Commission) would have to be considered.

67. Delays had been created for the most specious of reasons. The question of an adverb in the MINURSO schedule had shut down the identification process for a week (at a standard cost of $100,000 per day). The issue had been finally settled by an exchange of formal letters when a simple telephone call would have sufficed. A delay of some 10 weeks had occurred in the summer of 1994 when the Moroccans had disputed the attendance of observers of the Organization of African Unity, despite the fact that the matter had already been settled the year before.

68. Other serious discrepancies had been reported. A virtual siege mentality existed at the MINURSO Force Headquarters in Laayoune. The Mission was not allowed to function independently of the Moroccans. It was the only United Nations Mission where the flag of one of the parties was required to fly alongside that of the United Nations. Telephones had been tapped, mail had been tampered with and the rooms of MINURSO personnel had been searched.

69. Despite continued attempts to report serious problems to United Nations Headquarters at New York, the complaints had been routinely buried in Laayoune by United Nations officials. When finally brought to the attention of Headquarters, they had been dismissed as "not serious". The Inspector General who had arrived in Laayoune to investigate allegations of mismanagement in the structure of the United Nations Mission had been unable to grant protection to any United Nations employees, and thus the testimony of any employee regarding Mission shortcomings would have put that employee's career at risk. An even more glaring weakness was his inability to criticize a Member State, thus making him impotent to correct practically any discrepancy. His report, predictably, was useless, and the idea of an Inspector General who could not truly inspect was an example of the lack of true reforms in the United Nations.

70. The differences between the Moroccans and the Frente POLISARIO in the manner in which they had cooperated (or not) with the Mission formed a startling contrast. Despite clear language in the Mission statement concerning freedom of movement of Mission personnel, the Moroccan side had simply not complied with that requirement. With the Frente POLISARIO, however, freedom of movement had been constrained only in order to draw attention to the Moroccan infringement of that right.

71. In addition, there was a pervasive attitude that should hostilities occur again, the Moroccan army would be the clear victor because of its size and technological advantage. Such considerations had not resulted in a Moroccan victory in the 16 years of fighting, and it did not necessarily follow that they would be victorious at the present time. Any American veteran of Viet Nam, any Russian veteran of Afghanistan and any French veteran of Algeria would be able to confirm the truth of such a view. With the sensitive situation in Algeria to consider as well, a return to conflict could well be devastating to the region as a whole.

72. King Hassan II had shown that he was a wise and experienced leader who had rendered a major service to the cause of peace between Israel and the Arab

world. Just recently, he had received Yasser Arafat on the latter's return from Washington, and he enjoyed, perhaps more than any other leader in the Islamic world, the confidence of the Israeli leadership. Surely if such a great leader were to be made aware of the serious abuses of the process in Western Sahara, he would take concrete steps to correct those mistakes.

73. Mr. Dryden withdrew.

74. At the invitation of the Chairman, Ms. May (Renaissance Foundation) took a place at the petitioners' table.

75. Ms. MAY (Renaissance Foundation) said that the major problems underlying the conflict in Western Sahara were multifaceted. Although Morocco and the Frente POLISARIO had agreed in 1988 to a United Nations settlement plan which called for a referendum to be organized and conducted by MINURSO, the Mission's function and effectiveness had been greatly limited. The international community had not devoted proper attention to a conflict involving a gross violation of human rights by one country which had virtually held another country hostage for over 20 years. It was a conflict that had been deemed solvable by ongoing negotiations and the presence of neutral observers. Yet when observers were limited in their access to the regions and peoples being observed, and when negotiations continued to favour the interests of the invading country, perhaps a reassessment of the way in which MINURSO operated was necessary. If the problem was that MINURSO had been undermined by the Moroccan Government to the point where it had become ineffective, then perhaps a reassigning of powers needed to take place. If the problem was that neutral observers and the international press were being kept out through a unilateral decision by Morocco, then perhaps appropriate measures needed to be taken and the international community should insist upon the right to monitor the referendum and voter registration process without hindrance. There were many contradictions in the process. The Moroccan Government had claimed that no intimidation tactics had been used to assess who was eligible to participate in the referendum process, although testimony to the contrary had been given on numerous occasions. United Nations observers and foreign human rights groups reported that Saharans were experiencing difficulty in obtaining Moroccan passports, that the Government monitored the political views of Saharans more closely than those of Moroccan citizens, and that the police and paramilitary authorities reacted with particular harshness against those suspected of supporting independence and the Frente POLISARIO. Another contradiction was that the Moroccan Government claimed that Western Sahara had always been a part of Morocco and that therefore it was entitled to invade a sovereign territory. The Moroccan Government was doing everything in its power to change the outcome of the referendum because it knew what the result of such a vote would be. It knew that, when given the choice between freedom and oppression, the Saharans would vote for freedom. When given the choice of independence and self-determination over a life of captivity, they would choose independence.

76. With the ending of the cold war, the United States of America had begun to be less concerned about conflicts around the world, as it recognized that many of those conflicts had no direct or, in many cases, even indirect effect on it. However, the Congress of the United States had taken an interest in the issue of self-determination for Western Sahara and was concerned that the role of the

United Nations had been reduced to such an extent that it was unable to produce a final resolution to the conflict. Doubts were increasingly expressed as to the need for the United Nations, since it had been seen to be incapable of solving a 20-year-old problem that should have been resolved many years before. If the United Nations was powerless, it was questionable whether there was a need for such an organization. She called for a review to be made of all international directives of the United Nations. The maintenance of international peace and security, the development of friendly relations among States, the achievement of international cooperation in solving humanitarian problems and promoting respect for human rights and fundamental freedoms were all relevant today and would remain so into the next century. Regardless of the outcome of a referendum, if there ever was one, it was essential to achieve a negotiated solution to the conflict which would take into account the future of the peoples of Western Sahara and Morocco. Such negotiations should take place openly, under the auspices of the international community, and all peoples affected by the conflict should be represented. Whatever might be the result of a potential referendum, the inhabitants of Western Sahara and Morocco would be living together, either in the same country or in neighbouring countries. It was crucial that peaceful resolutions were in place and agreed to even before the holding of a referendum. All of the people must be free not only to register but to participate in the referendum, otherwise the international community might regard the outcome of the referendum as invalid.

77. Mr. SNOUSSI (Morocco) said that the previous speaker had not been entirely accurate in describing the situation concerning passports. United Nations personnel who had applied for visas always received them; moreover, they often left Laayoune without having a Moroccan visa. Referring to her statement concerning the alleged stifling of democracy, he observed that all persons who had dealings with the Frente POLISARIO and who wished to return to Morocco had already done so and were not subject to any repression.

78. Ms. MAY (Renaissance Foundation) explained that it was a question of passports not for United Nations personnel but for inhabitants of Western Sahara who, because they lacked passports, could not travel beyond the borders of the country. She pointed out that those facts were well known to the international community and were reflected in the related report on human rights by the State Department of the United States.

79. Mr. SNOUSSI (Morocco) said that he did not fully understand whether it was people in camps or those living freely in Laayoune who needed passports. The statements by petitioners would deal specifically with the situation of people in camps.

80. Ms. May withdrew.

81. At the invitation of the Chairman, Mr. Ahmed (Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro (Frente POLISARIO)) took a place at the Committee table.

82. Mr. AHMED (Frente POLISARIO) said that the peace process, which had led to the organization of a referendum on self-determination in 1992, had reached a deadlock at the end of the previous year. Such a situation could not continue

indefinitely, and those involved were at a parting of the ways, with one path leading to peace and the other to war. In his report to the Security Council, the Secretary-General had acknowledged that the conditions for achieving the ultimate objective of the settlement plan, namely the holding of a free and fair referendum, were apparently lacking. The referendum had been deferred, but the Secretary-General considered that the United Nations could not shirk its responsibility and that the international community must in the future demonstrate a willingness not only to provide for peacekeeping in the region but also to make every effort to ensure that the people of Western Sahara were able to determine their future status in such a way as to ensure lasting peace and stability. It was clear that the efforts of the United Nations aimed at ensuring the eventual decolonization of Western Sahara had reached an impasse. All the peoples and States that wished to continue to believe in the United Nations as the most effective forum for the peaceful settlement of conflicts could not remain indifferent in the face of such a deadlock.

83. The referendum on self-determination was to have been held in February 1992. In September 1991 the ceasefire agreement had entered into force and was the first step on the path to the emergence of a peace plan. The Government of Morocco had awaited the opportune moment and had embarked on the implementation of a strategy designed to reconsider key elements of the settlement plan to its own advantage, initiating a press campaign against what it described as "an international plot" against the territorial integrity of Morocco. The Identification Commission had ceased its work, since Morocco wanted to include in the list of participants in the referendum thousands of Moroccan citizens whom it planned to send into the territory. That was the beginning of the process of undermining the initial peace plan. New criteria for the identification of participants in the referendum, which were actively supported by the occupying Power, formed the basis of a process directed by Morocco which could only lead to falsification of the results. In any case, a resumption of the war would be inevitable. The Frente POLISARIO had seriously considered refusing to participate in that process, which no longer had anything in common with the agreed peace plan. However, in the interests of peace, and of cooperation with the Secretary-General and the United Nations, and bearing in mind the views of other States, the taking of a final decision had been deferred. In July 1993, the Secretary-General of the United Nations had suggested a compromise as to the understanding and application of the disputed criteria for identifying participants in the referendum. The identification process had begun.

84. Morocco had sent 181,000 applications to the Identification Commission, which was 250 per cent higher than the 1974 census figure. The United Nations had been able so far to examine some 30,000 applications. The remainder did not satisfy the minimum requirements envisaged by the Secretary-General's compromise decision. As far as the 30,000 applications that had been considered were concerned, the conclusion had been reached that the Identification Commission was confronted with a large-scale forgery designed to undermine confidence in the United Nations and in the referendum. Morocco had more than once demonstrated that it had not intended and did not intend to collaborate with OAU or with the United Nations in their efforts to seek a just and final resolution of the conflict. The postponement of the referendum on self-determination seriously undermined the prospects for a peaceful solution on which the United

Nations had been working for 30 years. The Frente POLISARIO had cooperated in good faith with the efforts of the United Nations and OAU, and was willing to continue to make its contribution so that the spectre of war was replaced by hope for the establishment of a just and lasting peace. A ceasefire with no prospect of establishing a peace plan on a basis of transparency and trust was unacceptable to the Saharan people and to the United Nations. A return to war was not a desirable outcome either for the Frente POLISARIO or for Morocco. The Frente POLISARIO considered that the only way out of that dangerous impasse was a process of direct, serious and responsible negotiations between the two sides. That being so, the Frente POLISARIO wished to continue and intensify a direct dialogue with the Moroccan Government. It called on Morocco to agree to a renewal of dialogue to find a way out of the impasse and to move forward towards a just and comprehensive implementation of the peace plan.

85. Mr. Ahmed withdrew.

86. The CHAIRMAN drew the Committee's attention to document A/C.4/51/2, containing a letter from the Chairman of the Fifth Committee addressed to him concerning proposed amendments to the medium-term plan for the period 1998-2001. He asked the Member States to submit written proposals on programmes 2, 3 and 23 no later than 14 October 1996.

87. Mr. ALABRUNE (France), speaking in exercise of the right of reply, objected to the statements made at that meeting by the representative of Papua New Guinea. France had already indicated on more than one occasion that the population of its trust territories, including French Polynesia, had expressed its wish, in the most unambiguous terms, to retain its relationship with France. In that context the questions contained in the statement by Papua New Guinea were out of place.

88. Mr. KATTI (Algeria) said that it was essential to keep to the established procedure and to distribute requests for hearings, including those on the question of Western Sahara, sufficiently in advance.

The meeting rose at 1.20 p.m.